

# **Implementing Results-Based Management in New Jersey: NEPPS and Strategic Planning**

**Proceedings from a Stakeholders Workshop  
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**New Jersey Department of Environmental Protection (NJDEP)**

**and**

**U.S. Environmental Protection Agency, Region 2  
(EPA Region 2)**

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## **INTRODUCTION**

### **Purpose**

The purpose of this workshop on "Implementing Results-Based Management in New Jersey: NEPPS and Strategic Planning" was two-fold: to obtain comments and suggestions from interested external parties on the proposed changes for the 1999-2000 Performance Partnership Agreement (PPA) between DEP and EPA Region 2, and to obtain similar feedback on the draft Strategic Plan for DEP which will guide department strategies for the next four years. About 300 invitations were mailed to people and organizations who had been involved in any similar NEPPS discussions before, or who had expressed interest in being informed of this process; the Appendix of this report gives the names of attendees (other than DEP staff). Eighty-two external stakeholders (non-DEP and non-EPA) participated in the workshop.

The agenda (see Appendix) featured brief remarks by agency officials, followed by breakout sessions on particular topics which generally correspond to the goal areas of the PPA. Also provided for discussion with the workshop participants was a NEPPS Environmental Indicators Poster Session. During the poster session, presentations of indicators developed or being developed under the NEPPS system in 14 areas were made (see Appendix).

This report notes some of the major points made in the morning talks and comments by attendees, but focuses on comments made in the breakout sessions. Some common themes of the latter are noted, before session-specific comments are listed.

### **Plenary Session Presentations and Comments**

In her welcoming remarks Jeanne M. Fox, Regional EPA Administrator, noted that the purpose of NEPPS was to provide flexibility and focus both EPA and the states on environmental results. She announced that Region 2 is developing its own Strategic Plan and will seek comments on it from interested parties in fall 1998. It builds on EPA's national strategic plan, will serve as a five-year plan for the Region's priorities and resource allocations, and will show how NEPPS is to be incorporated into all program areas. She pointed out that the apparent recent focus of agencies on "planning" is not a distraction from action, but a response to the fact that environmental protection no longer has to simply react to crises, and now resources can be targeted to the most productive uses in environmental protection and cleanup once those are identified.

DEP Commissioner Robert C. Shinn, Jr. noted that Governor Whitman's Quality of Life Agenda is to work toward a "sustainable state" that is just, healthy and efficient. Work toward these conditions, exemplified statewide in the New Jersey Sustainable State project, is grounded for DEP in its mission. The Strategic Plan organizes the mission statement into overarching goals and many associated major strategies, and the DEP's PPA puts these into detailed milestones, indicators, and activity commitments that then determine program work plans. Historically, DEP has directed its resources and skills to focus on the environmental impacts of industry and small business; in the future it must increasingly direct resources, and develop skills applicable to agriculture, transportation, government, and individuals as well.

Leslie McGeorge, Director of DEP's Division of Science and Research and Co-Chair of DEP's NEPPS Steering Committee, noted that while New Jersey was one of the six states that pioneered NEPPS, 33 states now have PPAs. DEP's first agreement (1995-6) covered program areas in air, freshwater, drinking water, mercury, pollution prevention, and compliance/enforcement. Its second PPA (1997-8) was expanded to include marine and ground water, site remediation, solid and hazardous waste, pesticides, and parts of DEP's radiation program. The PPA proposed for 1999-2000, the topic of this workshop, encompasses virtually all major DEP programs, now covering land and natural resources, global climate change, sustainable communities, additional parts of the radiation program and of water supply, environmental equity, and DEP-wide operations.

Outcomes of the environmental indicators focus of NEPPS in New Jersey include the design of an environmental indicator framework for the state with over 150 measures to date; establishment of a New Jersey Center for Environmental Indicators jointly by DEP and Rutgers/UMDNJ; indicators research to fill data and assessment gaps; integration into the Sustainable State indicators project; initiation of a state-county indicators partnership program; and the beginnings of watershed-specific indicators. A New Jersey Environmental Indicators Technical Report was distributed to workshop attendees, and DEP's first State of the Environment Report will be made public this fall.

Additions and revisions proposed for the 1999-2000 PPA include expanding its scope (as noted above), adding milestones (e.g., "By 2005, major industrial facilities will meet national toxic emissions standards"), further development of environmental indicators (e.g., automation of ground water and soil contamination maps for site remediation indicators), adding new national performance measures (e.g., the number of contaminated sites with human exposures and ground water releases controlled), new national standards and programs (e.g., ozone and particulate standards; the Clean Water Action Plan), and new state strategies (e.g., an air deposition research program). Benefits of PPAs in New Jersey have included cross-program planning and goal-setting; a focus on environmental conditions and trends; interagency work sharing; investments in data collection, assessment and dissemination; revision of monitoring network designs to support environmental indicators; more evaluation of strategies based on environmental outcomes; and more partnerships and outreach.

Kathleen Callahan, EPA Region 2's Director of the Division of Environmental Planning and Protection, noted that several initiatives are under way at both the national and regional level to focus agencies on environmental performance and inform citizens of the results and indicators. She paid particular attention to the need for the next New Jersey PPA to be consistent with national core performance measures, reflect provisions of the President's Clean Water Action Plan (watershed approach, strong standards, natural resource stewardship, informed citizens and officials), and address environmental justice goals.

Judy Jengo, DEP Deputy Commissioner, outlined the aims and content of the draft DEP Strategic Plan on which attendees' comments were sought. (The draft Plan is available on the main DEP Web page.) The following table outlines how the six goals listed in the Strategic Plan connect to the goal areas of the NEPPS process.

Linkage of Goals: Strategic Plan and Performance Partnership Agreement

DEP STRATEGIC PLAN	NEPPS Agreement
Clean Air	Air Quality Global Climate Change
Clean and Plentiful Water	Water Quality (surface & ground) Drinking Water Quality Water Supply
Safe and Healthy Communities	Site Remediation Solid/Hazardous Waste  Pesticides Mercury Pollution Prevention Radiation
Healthy Ecosystems	Land and Natural Resources
Open Spaces	Land and Natural Resources
Open and Effective Government	Some integration into all goal areas

Comments made by attendees during the question-and-answer portion of the plenary session included the following:

- DEP's original Self-Assessment (covering air quality, water quality, and drinking water, for example) was done well, and did a good job of outlining limitations of DEP programs. However, since then, DEP has provided no focused update on the status of these limitations, and what the agency has done or will do to reduce program limitations. Such an update would be valuable to inform outside observers, reassure them that DEP is paying attention to its own criticisms (and thus might pay attention to outside criticisms), and keep DEP focused on the "continuous improvement" that is a principle of its draft Strategic Plan.
- Education of the public and other constituencies is central to DEP being able to achieve its goals; the actions of all New Jerseyans affect environmental performance, and education to inform and motivate them is vital to changing their behavior, as individuals and as members of organizations, to move the state's environmental performance forward.
- In order to achieve widespread implementation of Best Management Practices to control water quality, DEP should bring the New Jersey Department of Agriculture and the state's farmland preservation program into its discussions of environmental management.

## BREAKOUT SESSIONS

The breakout sessions were structured such that both a facilitator and a recorder were present to guide the discussion as well as capture participant's comments. Key resource staff from both agencies were also present in each breakout session to answer questions and provide feedback if necessary. The following sections are an accounting of attendee participation in each breakout session. The information presented below is simply an accounting of the breakout session – it has not been synthesized or changed significantly from the actual notes recorded during the session.

The comments listed under each breakout session of the workshop below are organized into one or more of the following topics: general recommendations; goals and milestones; indicators; strategies; and the Strategic Plan. If no comments were recorded on a particular topic than these topics are not listed within the individual section. (The last session, on "Open and Effective Government," concerned matters discussed directly only in the Strategic Plan; topics are outlined under each of the principal areas—such as "leadership"—identified in that section of the Plan.) In general no attempt was made to determine how widely any of the views expressed was shared by the attendees. Attendee comments were provided to the coordinators of the respective elements of NEPPS and the Strategic Plan for their review and consideration as revisions are made to the PPA. At certain points DEP and/or EPA staff responded to comments from attendees during the discussion; these are listed under the term *Response*. Agency comments are indicated by "[ ]".

### Common Themes of Breakout Sessions

Some of the commonly identified needs for these planning efforts include:

- Consistency across NEPPS, Strategic Plan, DEP programs, state agencies, and/or New Jersey organizations (county and local governments, industry, etc.) in goals, information, strategies and related topics to ensure that results-based environmental management is not hampered by gaps or conflicts among them;
- Full implementation of NEPPS and Strategic Plan elements in DEP/EPA Region 2 operations (including staff training, regulatory rules and decision-making, etc.), so that staff and observers can see that the agencies are serious about taking these efforts to heart;
- Flexible and diverse strategies to achieve milestones and goals, to take full advantage of all opportunities;
- Education and enforcement as complementary, equally necessary approaches to achieving milestones and goals;
- Good information (both original data and scientific interpretation) as the basis for results-based management, including ensuring that needed infrastructure (e.g., monitoring networks; appropriate staffing) is available; and
- Partnership and open communication as central to attaining the aims identified above.

## **Radiation/Global Climate Change/Air**

### ***Radiation***

Overall Goal: To ensure a high quality of life for the residents of New Jersey by preserving, sustaining, protecting, and enhancing the air environment. Air quality across the state should be healthful for all its citizens and of sufficient purity not to degrade the quality of life or cause undue economic loss.

Strategies:

- State should recommend prevention of medical waste generation
- State should require radioactive monitors at landfills and incinerators (to avoid repetitions of the failure to detect radioactive waste from Merck at the Rahway incinerator), rather than leaving their installation to landfill operators' desire to protect themselves. There should be increased enforcement against violators.

### ***Global Climate Change (GCC)***

Overall Goal: Reduce anthropogenic contribution to global warming/sea level rise

Goals and Milestones:

- Many countries remain outside of Kyoto agreement. Jobs will follow to those countries with looser emissions standards. The Strategic Plan and NEPPS should have two principles stated in regards to GCC: Make sure that (1) jobs in New Jersey are not negatively impacted by greenhouse gas reduction policy, and (2) New Jersey citizens' ability to be mobile is not affected. *Response:* Some believe that GCC initiatives may actually increase GNP by developing emerging technology companies.

Indicators:

- Include the contribution from incinerators as a separate category on the source pie chart for greenhouse gases
- NJ NEPPS indicators are "insular," greenhouse gas problem is global. Indicators should be developed to look at what happens if we don't meet goals.
- Indicators are needed to show level of collaboration between agencies, programs, states and nations.
- More indicators on why/how people make choices.
- In plan, it says that New Jersey has a greater dependence on motor vehicles (than other states). Should be reworded to mention CO2 emissions per vehicle or number of vehicles rather than motor vehicle dependence; people in rural Kansas may be more dependent on motor vehicles than New Jersey.
- Industry contribution, including transportation impact, should be included in industry segment of pie chart. Divide indicators and charts to more finely reflect industry

contribution. Individuals are not the most significant component (i.e., commercial 22%, industry 16%).

- Provide a finer breakdown of vehicle types: e.g., heavy duty vs. light duty trucks

#### Strategies:

- Use more enforcement (versus voluntary compliance)
- Increase education, since much of the CO2 contribution is from citizen driving habits and vehicle choices. [DEP is preparing environmental curricula for grades 2-3, and would like to conduct research on consumer opinions and buying to determine the best way to influence use of beneficial products and technologies.]
- School curricula are O.K., but those students won't be driving or making vehicle choices for many years. We need to get at adults now.
- Inform consumers of simple maintenance issues, like keeping tires inflated at correct air pressure, clean air filters, etc.
- Educate the public through signs at toll booths.
- Eliminate HOV lanes on major highways.
- Eliminate tolls and other barriers to traffic flow
- Trading of credits for carbon emissions could encourage constant CO2 emissions levels, which would not be a valid strategy.
- The concern with credits is that at a local level, unhealthy amounts of emissions may be allowed because credits for other, non-CO2 pollutants were obtained from a cleaner facility in another location. There should be local caps.
- DOT's "Smart Moves for Business" program replaces the Trip Reduction Program that was legislated out of existence. It helps business reduce vehicles miles traveled by employees.
- Perhaps CO2 should be on the Right To Know list.

#### *Clean Air*

Overall Goal: To ensure a high quality of life for the residents of New Jersey by preserving, sustaining, protecting, and enhancing the air environment. Air quality across the state should be healthful for all its citizens and of sufficient purity not to degrade the quality of life or cause undue economic loss.

#### Goals:

- Setting unrealistic goals (e.g., 2007 ozone goals) sets you up for unavoidable failure and loss of credibility. Are we prepared to deal with neighboring states? *Response:* Strategic Plan is general and can be adjusted. Why not set milestone in line with some regulatory requirements other than attainment date?

#### Indicators:

- Vehicle miles traveled is a poor indicator. Little DOT can do as it cannot control individuals. Who is responsible? Business/residential location impacts vehicle miles

traveled. Other indicators might be: emission levels per vehicle, fleet efficiency, grams/vehicle/year.

- Do we really want to limit vehicle miles traveled? The number of VMTs may be an economic indicator. Refer back to the 2 principles stated in the GCC discussion; any initiative in this regard should not negatively impact the economy nor should it reduce citizen mobility. A possible goal would be to reduce emissions per VMT.
- Perhaps number of asthma admissions would be a good indoor/outdoor air quality indicator
- Any thoughts on non-health issues related to air quality, e.g. quality of life, visibility, crops?

#### Strategies:

- Education
- Educate public on keeping tires inflated, clean air filters, keeping cars tuned.
- Remove all impediments to traffic flow, such as tolls and poor street signs.
- Provide free emissions checks between inspections to see if your vehicle remains in compliance.
- Eliminate HOV lanes: more gas efficiency and less oil being spilled as vehicles in the non-HOV lanes idle. *Response:* HOV lane ban may increase the number of vehicles using a particular stretch of road.
- Develop more regional cooperative efforts, e.g. electric restructuring.
- One air toxics strategy could be to include reporting of other (additional) substances to DEP in exchange for a reduction in requirements in other areas.
- Non-regulatory approach to reducing toxics in consumer products/building materials
- The plan needs more than a one-line discussion of the County Environmental Health Act (CEHA). Locals do inspections/work (air, noise, haz mat, solid waste). DEP can plan what they want but the locals will need to do the work. No mention of funding. How does CEHA fit into enforcement, attaining goals and as a conduit for educating the public? Contact is the Association of Counties. Form a partnership with counties and regional health agencies. Education on consumer products is best accomplished at local level.
- Indoor air has significant health impacts. Where is it in the plan? Even without authority to regulate indoor air quality, there is a benefit to education. NJDHSS and some county/local health agencies currently deal with complaints and provide technical assistance. UMDNJ collects data on indoor air quality complaints.
- Key issue is the need for indoor air quality standards.

#### Strategic Plan:

- Page 10, say "Reduce O3 from mobile sources," then provide examples (formulated gases, etc.)
- Page 10, say "All stationary sources," might not be able to get at problem by addressing only "major" sources.
- Page 10, add another bullet: promoting and energizing robust banking/trading and other market-based solutions.



- Address regional reduction efforts.
- Indoor air quality should be referenced in the Strategic Plan.

## **Water**

Overall Goals:

**Surface Water Goal:** Our surface waters (tidal and non-tidal) will support human and ecosystem health and applicable uses such as recreation, fishing, drinking water supply, agriculture and industry.

**Ground Water Goal:** To protect and enhance the quality of ground water and assure that adequate quantities of ground water will be available for domestic, municipal, industrial and other purposes, as well as serving a vital role in maintaining the aquatic ecology by providing ground water base flow to receiving surface waters.

**Drinking Water Goal:** Every person in New Jersey will have safe drinking water.

General Recommendations:

- Integrate and coordinate the Strategic Plan, NEPPS and State Plan efforts while implementing the Water Supply Master Plan, the Estuary Programs, the Watershed Programs and working with the Delaware River Basin Commission.
- Make sure that communications are open both internal to the department (different programs need to communicate better) and with the external communities (including state and local agencies). Public participation needs greater emphasis in both planning and implementation
- Quality methods (including QA/QC) for data monitoring, assessment and use need to be in place. Definitions and mapping data need to be appropriate, consistent and accurate.

Goals and Milestones:

- Evaluate federal and state milestones on the realism of their targets (e.g., percentage reduction in pollution from baseline); the milestones are too broad and unrealistic given missing resources (funds and technology) in the department.
- Need a goal (2002) for the school education program.
- Incorporate recreation protection and fish protection.
- Define a "healthy person."
- Provide alternatives in case the goals are not accomplished within the given timeframes.
- Surface water quality criteria should be designed to be specific to wetlands and aquatic life considerations.
- Land use issues also need to be addressed in light of water discussions.

- Policies, standards and other activities should take account of cross-media impacts and consistency (e.g., MTBE being used to address air quality problems but posing water quality problems)

#### Indicators:

- Evaluate federal and state indicators for consistency with milestones.
- Have a scientific basis for indicators (including data resources of local Watershed Associations and Center for Environmental Indicators at Rutgers); money is needed to stay current with advancing knowledge and for DEP to obtain more sophisticated methods.
- Allocate resources to revive DEP DSR research agenda process
- Indicators should specifically match each milestone, and have indicators for each milestone
- Reserve funds for future indicators.
- Need continuous monitoring in place.
- Use an attainability analysis (Clean Water Act, S. 171) as an indicator
- Should there be separate indicators given the interrelationships of groundwater and surface water?
- Consider biological and chemical differences across streams when establishing indicators.
- Designation or relocation of some water quality analysis to DHSS has hurt indicators determination; DEP oversight of DHSS water analysis should be more stringent.
- Need for legislation/mandates to help counties provide certain indicator data (e.g., only Ocean County currently has policy on testing private wells).
- Consider water supply indicators based on a supply and demand model, and the petroleum industry process of projections.
- Expand scope beyond water research to determine analysis for biological indicators
- Evaluate the enterococci indicator versus fecal coliform data on surface water and sewage discharges, comparing EPA, DHSS, and DEP data.
- Select indicators based on diseases.
- Focus on results based indicators. Use the measurement process.

#### Strategies:

- Target and emphasize education efforts in schools (long term benefit), with the public (short term benefits), and internally and with stakeholders (guidance documents)
- There needs to be more focus on regulatory compliance.
- Seize the opportunity for a partnership with the real estate community on watershed management
- Well head protection should require legislative action.
- Self assessment is missing in the regulatory process.
- Sewage Infrastructure and Improvement Act monies were diverted to general fund, undermining ability to meet water quality goals and milestones

- The following **implementation issues** need to be addressed by the department: cost/benefit analysis for each strategy; appropriate use of available technologies; balance of technology and costs; resources (money and staff) to match plans

## **Healthy Ecosystems/Abundant Open Space**

### ***Sustainable Communities***

#### General Recommendations:

- There should be more opportunities for public participation in this effort; it's not clear what we're offering

#### Goals and Milestones:

- Focus on concrete goals (or "finish lines") that will be tangible accomplishments, to keep the work toward sustainability from becoming a theoretical exercise. A nearer term goal (achievable) with specific milestones is needed for this effort
- Do one new thing in one year, not 20-30
- Need short and long-term milestones for brownfields
- Don't waste land; control of sprawl should be a priority
- Encouraging urban reuse may increase prices and hurt equity
- Builders face conflicts, in that people may not wish to move into high rises
- Need a vision of the role of heavy industry in the state
- Establish a zero emission goal
- Life cycle analysis for government purchasing
- Full cost accounting by industry in which they look at their total cost of doing business, including putting a price on the value of environmental services they use (air, water, land); currently industry sets these prices at zero, which is misleading
- Institutionalization is very important: how will we go beyond the Governor's Executive Order? How will programs put into practice 3 or 4 new ideas related to sustainability? Sustainability has to permeate DEP's and other organizations' work, analogous to developing a "safety culture" in industry.

#### Strategies:

- Need a mechanism to ensure accountability when a government agency does something which is not sustainable
- Add sustainability impact statement to analysis of all new rules
- Need for front-end rather than reactive wetlands planning; wetland regulations are too rigid to allow for farming; these regulations should be tinkered with rather than diluted; perhaps imitate Washington Township's idea to allow more wetlands development in exchange for more stream corridor protection
- Municipalities need to be educated on sustainable land use planning and construction, so that sustainability principles can be incorporated into local ordinances
- Towns may resist new approaches, such as solar energy or energy efficiency

- Can't build on small lots because communities won't allow it; need to change codes to allow for greener housing
- Builders need market incentives to build in urban areas (which is linked, among other things, to the educational funding issue)
- Need preservation of brownfield areas for heavy industry
- Farmland assessment policy (and estate taxes) seems designed to phase-out farming, despite its partial success at some preservation; we need incentives to keep farmers farming, and agricultural zoning may be better at this than current farmland assessment policy
- Sustainability needs information at the local level: e.g., where are the wetlands?
- Ask community what they want in the area of economic development, early in the process
- EPA should provide knowledge of models of sustainability and federal "sustainable communities" grants

### ***Land and Natural Resources/Open Space***

Overall Goal: Maintain, enhance and restore functioning ecosystems and sustainable communities.

General Recommendations:

- DEP must do better at regular communication with stakeholders to keep them abreast of NEPPS status and to answer their questions.

Goals and Milestones:

- Consider adding an Air Quality subgoal or milestone to increase forest or forested land.
- Could these have regulatory implications without being grounded in laws or regulations?
- How should a forest be defined to measure progress toward the subgoal of maintaining and restoring New Jersey's forest resources?

Indicators:

- Add indicators of species that are at nuisance levels (Canada geese, deer, etc.)
- Add "no net loss of forest land."
- Need for transparency: airports, for example, are usually classified as urban land, but they can provide significant habitat for many endangered species

Strategies:

- Outreach and education are critical.
- Guidance on the conservation of forest resources should be distributed to diverse local authorities.
- Need for an open-space master plan within counties.

## Safe and Healthy Communities

### *Mercury*

Overall Goal: To protect human health and the environment from the adverse effects of mercury

#### Indicators:

- Complete air deposition network
- Complete project on identifying mercury in all ground water, surface water and sediments in the state
- Identify past and present sources of mercury and how it is being transported
- Coordination and integration of EPA and NJDEP data should be undertaken and completed. *Response*: being partially accomplished through development of data quality standards, database standards, and regionalization of collection efforts, plus increasing data availability on Internet.

#### Strategies:

- NEPPS Agreement needs to define and clearly understand strategies for dealing with mercury contamination before developing program
- Mercury contamination in ground water should not be allowed to continue, not even through the use of a CEA
- Department of Health and Senior Services, with the NJDEP, should develop a more aggressive program to inform public on dangers and enforce fishing restrictions
- Implement a more aggressive enforcement and compliance program
- Implement pollution prevention principles in households
- NJDEP should provide incentives for lifecycle and design analysis of products
- NJDEP needs to control and enforce against commercial fishing in identified mercury contaminated waters
- NJDEP needs to look beyond industry to the citizenry as sources

#### Strategic Plan:

- Plan does not specifically address design for environmental and product stewardship responsibilities in designing products
- Strategic Plan needs to define and clearly understand strategies for dealing with mercury contamination before developing program

### *Pollution Prevention*

#### Indicators:

- NJDEP should measure small business performance towards 50% reduction goal

#### Strategies:

- NJDEP should develop incentives for pollution prevention activities

- Implement pollution prevention principles in households
- NJDEP should provide incentives for lifecycle and design analysis of products
- NJDEP should develop a survey to gather information on "other 50%" and household pollution prevention efforts.

Strategic Plan:

- Should relate pollution prevention credits
- Should specifically address design for environmental and product stewardship responsibilities in designing products

### ***Pesticides***

Overall Goal: Protect public health and the environment from adverse effects associated with the use of pesticides.

Strategies:

- NJDEP needs to better educate the public and broaden dissemination of information (such as by use of local environmental commissions) *Response:* Pesticide program has developed brochures and is working with county and agriculture community.
- All levels of government should use (and all State agencies should be required to use) integrated pest management and develop partnerships from the federal government (EPA) down to municipal level
- Develop standards and license program for pesticide applicators and enforce it against those who practice without a license. *Response:* DEP currently does have a license program and is maintaining a compliance program.
- Identify sources and ways to reduce sources *Response:* DEP is doing both.
- Endocrine disrupters should be addressed

Strategic Plan:

- Goals should address runoff into watersheds and reservoirs
- Identify the number or percentage of State agencies using IPM

### ***Waste Management***

Overall Goal: Maintain an integrated waste management system that ensures minimized waste generation and disposal; maximizes reuse and recycling; guards against future contaminated sites; and provides long-term capacity assurance that is protective of human health and the environment.

Indicators:

- Use the number of counties that implement a "pay to dispose" concept as an indicator

#### Strategies:

- Identify source reduction programs (e.g. cut it and leave it, dry cell battery programs)
- NJDEP needs a "spill act" type of program to remedy dumping of non-hazardous waste in communities
- Construction debris should be a recyclable material and as such should be allowed to be processed outside at a permitted recycling facility
- Clarify county roles relating to solid waste management. *Response:* DEP cannot do so now due to deregulation; the legislature is studying this issue.

#### Strategic Plan:

- Concept of "buy recycled" should be referenced.

### ***Site Remediation***

Overall Goal: To eliminate or reduce the risk to human health and environmental receptors from contaminated sites.

#### General Recommendations:

- Need for cross acceptance of goals and milestones in both the Strategic Plan and NEPPS Agreement (e.g. use of brownfields as possible open space)
- NJDEP needs to implement more risk communication efforts and demonstrate the progress of remedial activities and how risks have been minimized and controlled
- NEPPS Agreement and Strategic Plan should include more social indicators and public participation efforts regarding the end use of remediated sites
- Environmental Management Assistance Program is good but still needs refinement regarding cross-program implementation

#### Goals and Milestones:

- Hazardous waste sites cannot be handled the same as other program initiatives due to threat to human health and the environment
- NJDEP needs to establish baseline information and data. Currently few milestones have numerical outcomes
- All goals established should be protective of human health and the environment as well as include environmental justice
- Link landfill sites to priority watersheds as a method of prioritizing the cleanup of landfills. *Response:* DEP is doing this.
- Identify qualitative measurements such as "acceptable vs. unacceptable"

#### Indicators:

- Define and track whole-site decisions that No Further Action (NFAs) is needed, versus partial NFAs issued for the completion of remediation activities ("Partial NFA" designation often assumes remainder of property is contaminated)
- Measure tax benefits of remediation of brownfield sites (e.g. jobs created, taxes generated, etc.)
- Measure brownfield redevelopment efforts impeded by special interests
- Assess and include loadings of contaminants to surface water
- Determine linkage of contaminated ground water to drinking water
- Track the steps completed in a cleanup to show progress at all sites undergoing remediation

#### Strategies:

- Test all drinking water at all contaminated sites
- NJDEP needs to more aggressively pursue enforcement actions against those that do not comply with NJ regulations and the requirements contained in negotiated ACOs
- Address brownfield remediation activities; integrate brownfield efforts with environmental justice issues
- EPA does a better job than the NJDEP in cleaning up contaminated sites (e.g., in public access to cleanup information and types of engineering controls used) and in addressing off-site contamination
- Municipalities should receive (HDSRF) grants (rather than loans) to complete remedial activities on sites that they do not own
- DEP and communities need to work (and communicate) better on the relation between remediation and prospects for final site redevelopment (e.g., that a NFA decision, with an accompanying deed restriction or engineering control, might result in reducing taxes to be paid due to consequent reductions in property value)

#### Strategic Plan:

- Build program on strategies already working in brownfield arena

### **Open and Effective Government**

Overall Goal: The Department will carry out its mission and achieve its vision and goals by involving citizens and stakeholders as critical partners and through a commitment to quality that will result in continuous improvement in its operations.

#### General Recommendations:

- "Open government" should apply to all levels of government, not just state government (DEP); DEP should recommend that other levels adopt similar practices.
- Partnerships are important to DEP and should be referred to more: for example, the need for DEP to better network local needs with local resources, as in current local government partnerships (the CEHA program)
- Why is this section last in the draft strategic plan?



- Does DEP intend to convey in this section an "internal operations" rather than "external performance" focus?
- Explain how these new centers associated with DEP and the Strategic Plan are being established at EOHSI or at Stonybrook Millstone Watershed Association.
- In the corporate and industrial sectors, "environment, health and safety" are usually clumped together in terms of resources and expertise. DEP should approach these through a multi-media approach in the future, instead of keeping them separate (which is confusing to external audiences trying to obtain information).
- Water and air permits should be melded or work together.
- The "Right To Know" Program should be referenced in the Strategic Plan.

#### Goals and Milestones:

- Regarding "Open and Effective Government" goal that "The Department will achieve its vision, mission and goals by involving citizens and stakeholders as critical partners and through a commitment to quality that will result in continuous improvement in its operations": (1) Substitute "interested and affected parties" for the confusing distinction between "stakeholders" and "citizens" (citizens are also stakeholders, and vice versa). (2) Clarify what "continuous improvement" means; why does it relate only to DEP operations and not to environmental protection or environmental improvements?; drop ". . . in its operations" (3) If DEP operations support the DEP mission, this should be stated here.
- Regarding milestone that "The Department will improve its performance each year in evaluations based upon the Quality New Jersey Achievement Criteria": (1) This is not a "milestone" by DEP definition because it lacks quantitative measures (e.g., current or baseline score for DEP on each QNJA criterion, and better explanation of each criterion; target for improvement; ); milestones should not be "touchy-feely," but something DEP can prove that it has actually achieved (2) Each key issue should have its own milestone or set of milestones, each one measurable; for example, on "Information and Analysis" these might include percentages (respectively) of [desired?] data collected, data available electronically, and data accessed by the public, etc.
- Very few of the milestones in the plan generally have specific numbers or can be measured, and do not specify baselines or targets.

#### *Leadership*

- Guidance should be given here to other levels of government; reliance on leadership at different government levels (as a partnership) should be recognized, and specific examples should be given here to clarify the vague term "partnership."
- How would DEP declare success in formal education?
- The DEP is a long way from educating the public about its concerns and issues.
- Why is "education" under "Leadership" □ is this due to partnerships involved?

#### Strategies:

- The DEP Management Team is not the DEP Quality Council. A name change won't do it; there must be a plan in place to implement "quality" throughout, with MT as a conduit only.
- The DEP Core Team should be described in this section.
- Education is important for a Sustainable State but it is not on the Governor's "Quality of Life" agenda. The term "environmental education" is inadequate; rename it as "sustainable education," which links to economics and societal issues.
- The DEP also has gaps in its educational agenda: in addition to grades K-12, it should focus on pre-school and undergraduate/graduate programs, including providing more enrichment for educators in these areas and professional development for educators with trade and business schools, and working with the NJ Commission on Higher Education.
- Drop "... for all children" from the "establish environmental education curriculum" strategy; efforts should include all ages.
- Survey of NJ citizens should include questions on "how citizens perceive DEP and its roles and responsibilities," the environmental responsibilities of individuals, etc., and develop a baseline of information about people's awareness, actions, feelings, etc.
- Much public perception and impressions come from negative media coverage; DEP should work to change this - get positive or enlightening coverage.
- DEP should use radio and television more for sharing information.

#### *Strategic Planning*

- Specify what "resources" means: natural resources? financial? staff? all the above?
- Reference to "financial" resources should be more specific about whether it concerns funding of the department, funding by the department of others, or both.
- The public should know how environmental and health "risk" weighs in to DEP prioritization, funding and decision making, and how government views of risk differ from those of the public.

#### *Strategies:*

- Partner with other organizations doing studies on "risk."
- The Comparative Risk Project should be woven into the citizen survey and other outreach efforts.

#### *Constituent Focus*

- The term "frontline employee" is vague; give examples of what is meant here.
- DEP should empower the "frontline employees" more in this statement. It is not strong enough that these persons are recognized as "key"; they should be better trained to reason with constituents, make decisions and to take action.
- Add: "... it is important for the Department to understand and to act on the needs of its constituents . . ."
- Exactly how will this feedback be used for internal improvements, and into what systems would it "feed back"?

Strategies:

- Constituents need more opportunity to provide feedback on DEP processes, efficiency, etc.
- DEP should start doing surveys with other target audiences and/or the regulated community

*Information and Analysis*

- Design these systems with the needs of all the customers in mind, as well as consider what the DEP Commissioner wants to relay to the world.
- Work flow should be integrated before information systems are created.
- The process of maintaining an information system is long-term, requiring continuous and eternal updating. DEP must recognize the data life-cycle of non-regulatory information, in its planning. Revised information should go out on a regular basis.
- DEP data bases (including GIS) should be compatible with federal (e.g., census) and industry (especially in air and water) data and standards.
- Add: "The information/data that the Department collects must be user-friendly . . .," and use the term "user-friendly" more throughout this section.
- Add: ". . . managed and used in an integrated, user-friendly fashion . . ."

Strategies:

- DEP should provide the ability to submit EER reports electronically.
- Consider how to provide for 2-way, "confidential" conversations between DEP and a specific site. Users should have access to any current data available.
- Do not rely only on the DEP website to disseminate information.
- The information that industry submits to DEP should be accessible to the public. For example, DEP should assure that computer terminals are available to the general public wishing to tap into its information access, including in the Public Access Center.
- The coordination of the planned ENDEX system between state and local government should be expanded upon, since this partnership is important.
- DEP should commit to an 18-month lifecycle to continuously improve information and analysis systems

*Human Resource Development and Management*

- Cite empowerment skills here as training for "frontline employees" (above).

Strategies:

- DEP should put more resources and funds into staff training; upgrade education requirements for many titles or mandate additional training requirements, as is being done in local government (i.e., CEHA).
- Employees should become certified to perform specific duties to assure quality control.

### *Process Management*

- Discuss here how DEP's day-to-day, step-by-step management is improved and carried out, based upon the agency's long-term goals and reforms.

### *Results*

- Specify types of results meant: environmental, operational, administrative, etc.?
- Specify baseline (current results) and system in place to attain results.
- Results must be communicated back into the process, to those participating in it.

## NEXT STEPS

DEP and EPA Region 2 consider the involvement of interested and affected external parties to be a critical component of their NEPPS and strategic planning processes. The agencies appreciate the strong and continued commitment of these parties to participating in these planning activities in general, and specifically in this workshop. The comments received at the workshop, and those submitted subsequently to the workshop, are being reviewed and evaluated in the development of the NEPPS Performance Partnership Agreement for FY1999/2000. It is anticipated that a final draft document will be posted for stakeholder review on EPA and DEP's homepages ([www.epa.gov/region02](http://www.epa.gov/region02) □ EPA, [www.state.nj.us/dep/dsr](http://www.state.nj.us/dep/dsr) □ DEP) beginning in mid-October 1998. Comments received on DEP's draft Strategic Plan are also being reviewed and evaluated for the development of the final version of that document which is expected to be finalized in November 1998.

## **APPENDIX**

- Workshop & Environmental Indicator Poster Session Agenda
- Workshop Attendees

*Implementing Results-Based Management in New Jersey:  
NEPPS and Strategic Planning*

**NJ Department of Environmental Protection Building  
401 E. State Street, Public Hearing Room - 1st Floor  
June 25, 1998**

**AGENDA**

- 8:30 am           Registration
- 9:00 am - 10:45 am       **PLENARY SESSION**
- 9:00 am    Welcome and Objectives for the Workshop  
              EPA Regional Administrator Jeanne Fox
- 9:15 am    New Jersey's Results-Based Management System  
              NJDEP Commissioner Shinn
- 9:30 am    NJDEP Strategic Plan Overview and Relationship to NEPPS  
              Judy Jengo, Deputy Commissioner, NJDEP
- 9:50 am       NEPPS Progress - 1995-1998: Status and Review of Additions/Revisions  
              Leslie McGeorge, NJDEP & Kathy Callahan, EPA Region 2
- 10:30 am       Questions & Answers
- 10:45 am       Charge to the Breakout Sessions  
              Bryan Ianni, NJDEP
- 10:50 am               *Break*
- 11:00 am               **BREAKOUT SESSIONS** - Module 1 (Facilitated)
- 12:30 pm - 1:30 pm   **LUNCH and Indicator Presentation/Poster Session**  
                              *(Public Hearing Room)*
- 1:30 pm               **BREAKOUT SESSIONS** - Module 2 (Facilitated)
- 3:30 pm               Adjourn

## Agenda (continued)

### BREAKOUT SESSION MODULES

	Module 1 -- 11:00-12:30	Module 2 -- 1:30-3:30
<b>CLEAN AIR</b>	Radiation Global Climate Change	Air
<b>CLEAN &amp; PLENTIFUL WATER</b>	Surface Water - Fresh & Marine	Ground & Drinking Water Water Supply
<b>HEALTHY ECOSYSTEMS/ ABUNDANT OPEN SPACE</b>	Sustainable Communities	Land & Natural Resources Open Space
<b>SAFE &amp; HEALTHY COMMUNITIES</b>	Pesticides Pollution Prevention Mercury	Site Remediation Waste Management
<b>OPEN &amp; EFFECTIVE GOVERNMENT</b>	Outreach Constituent Services	Information Collection & Access

### NEPPS ENVIRONMENTAL INDICATORS POSTER SESSIONS

**1. Clean Air**

Air Quality Indicators

**2. Clean Air**

Global Climate Change

**3. Clean and Plentiful Water**

Stream Water Quality Indicators

**4. Clean and Plentiful Water**

Ground Water Quality Indicators

**5. Clean and Plentiful Water**

Marine Water Quality Indicators

**6. Clean and Plentiful Water**

Drinking Water Quality Indicators

**7. Clean and Plentiful Water**

Water Supply Indicators

**8. Safe and Healthy Communities**

Solid Waste Indicator

**9. Safe and Healthy Communities**

Pesticides Indicator

**10. Safe and Healthy Communities**

Contaminated Sites Indicator

**11. Safe and Healthy Communities**

Pollution Prevention Indicator

**12. Healthy Ecosystems/Abundant Open Space**

Land Cover Indicator

**13. Healthy Ecosystems/Abundant Open Space**

Preserved Open Space Indicator

**14. County and Community Indicators**





*Implementing Results-Based Management in New Jersey: NEPPS and Strategic Planning*  
June 25, 1998

**ATTENDEES\***

Ferdas Ali (NJ Dept. of Ag - Soil Conservation)  
Robert Alpern (NYC DEP)  
Clint Andrews (Rutgers University)  
Alan Ashkinaze (City of Jersey City)  
Dwight Bedsole (DuPont)  
Joe Bergstein - (EPA)  
Jorge Berkowitz (Sadat Associates)  
Michael Beson (Congressman Pallone's Office)  
Richard Bizub (Pinelands Preservation Alliance)  
Jim Blumenstock (NJDHSS)  
Alan Bogard (Exxon)  
Tina Bologna (Rutgers IMCS)  
Ron Borsellino (EPA)  
Lorraine Brando (EPA)  
Peter Brandt (EPA)  
Linda Brennan (Monmouth Co. Planning Board)  
Thomas Buchanan (International Youth Org.)  
Robert Bzik (Somerset County Planning Board)  
Kathy Callahan (EPA)  
Karen Campos (EPA)  
Robert Clark (Camden County MUA)  
Perry Cohn (NJDHSS)  
Keith Cooper (Rutgers University)  
Daniel Cunningham (CONNECTIV)  
Richard Dase (Rep Frank LoBiondo's Office)  
Michael DeLuca (IMCS/Rutgers University)  
Mario Delvicario (EPA)  
Tony DiLodovico (Schoor DePalma)  
Donald Esch (Exxon)  
Adolph Everett (EPA)  
Christopher Falcon (Maraziti, Falcon & Healey)  
Jean Feola (EPA)  
Ella Fillipone (Passaic River Coalition)  
Barbara Finazzo (EPA)  
K.A. Fitzgerald (Edison Wetlands Association)  
Luz Garcia (EPA)  
John Gaston (Stoney Brook Reg. Sewerage Authority)  
Ginger Gibson (Center for Environmental Communication, Rutgers)  
Saul Gibson (International Youth Org.)  
Richard Guindon (Anheuser-Bush)  
John Hanning (Exxon)

Bob Hargrove (EPA)  
David Harkness (League of Municipalities)  
David Hasenzahl (Princeton University)  
Carl Henn (Royal Capital, Inc)  
Suzy Hess (Hunterdon Co. Planning Board)  
Stan Joffe (Private Citizen)  
Marcus Kantz (EPA)  
Rudy Kapichak (EPA)  
Betty Kearns (City of Jersey City)  
Rabi Kieber (EPA)  
Harvey Klein (Garden State Labs, Inc.)  
Lorraine Koehler (EPA)  
Sylvia Kovacs (Genesis Research)  
Jane Kozinski (Saul, Ewing, Remick & Saul)  
John Lank (Hudson Co. Division of Engineering)  
Fred Lawson (Burlington Co. Health Dept)  
Dick Lee (Mercer Co. Board of Agriculture)  
Mike Lowy (EPA)  
Janice McDonnell (Rutgers-IMCS)  
David Marino (NJ American Water Co.)  
Anthony Matarazzo (Elizabethtown Water Co.)  
John Maxwell (NJ Petroleum Council)  
Martha Maxwell (Clean Ocean Action)  
Ann Moore (Burlington Co. Freeholder's Off.)  
Audrey Moore (EPA)  
Douglas Moore (GPU Nuclear)  
Phil Morlock (Sussex County Health Dept.)  
Dana Natale (Edison Wetlands Association)  
Chuck Newcomb (Office of State Planning)  
Jane Nogaki (Right-to-Know Coalition)  
Pat Parsons (Exxon Chemical)  
Norma Ortega (EPA)  
Gene Osian (Vernon Twp. Health Dept.)  
Pat Parson (Exxon)  
David Pollison (DRBC)  
Elizabeth Reilly (Congressman Michael Pappas' Office)  
Mark Rosellie (Congressman Chris Smith's Office)  
Dennis Santella (EPA)  
Bill Schnurr (NJ-American Water Company)  
Walter Schoepf (EPA)  
Kevin Schuerman (Union Co. Regional Health Commission)  
Sheri Seminski (Rutgers - EcoPolicy Center)  
David Shelton (Dupont)  
Harvey Simon (EPA)  
Jim Sinclair (NJBIA)  
Robert Spiegel (Edison Wetlands Association)

Randy Solomon (NJ Future)  
Catherine St. Clair (DuPont)  
David Steadfast (USGS)  
Ken Stoller (EPA)  
Colin Sweeney (GPU Energy)  
Phil Sweeney (EPA)  
Andrew Swords (NJDOT)  
Hal Taylor (Pompeston Creek Watershed Association.)  
Sheryl Telford (PSE&G)  
Maska Todd (Edison Wetlands Association)  
Barry Tornick (EPA)  
Jane Tousman (NJ Sierra Club)  
Laurie van Genderen (Burlington Co. Freeholder's Office)  
Zdravko Vassilev (EOHSI)  
John Weber (NJ Citizen Action)  
Nancy Wittenberg (NJ Builder's Assoc.)  
Bill Wolfe (Sierra Club)  
Neil Yoskin (NJ Builders Association)  
Anne Zeman (League of Women Voters)  
Nancy Zimmerman (Victoria Foundation)

\* Attendees list does not include DEP staff attending the workshop